

**ELK GROVE COMMUNITY SERVICES DISTRICT
MINUTES OF A REGULAR BOARD MEETING
Tuesday, September 21, 2004 – 6:30 p.m.
EGCSD Administration Building**

ATTENDANCE:

DRAFT

Directors present included Gerald Derr, Elliot Mulberg, Pat Perez and Elaine Wright. Director McElroy was on vacation and excused.

General Manager Rita Velasquez, Fire Chief Keith Grueneberg, Administrator of Parks & Recreation David Wigginton, and Administrative Services Director Jeff Ramos were also in attendance.

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. President Perez called the meeting to order at 6:33 p.m.
2. Jeff Ramos led the Pledge of Allegiance.

President Perez moved to Item No. C1 – Communications From the Public.

B. ANNOUNCEMENTS/PRESENTATIONS

1. Dyrice Ramirez and his family congratulated Rita on her retirement, and on behalf of all the children of Elk Grove presented Rita with a “skateboard” award, acknowledging her many contributions to the community, specifically for her support in building Elk Grove’s first real in-ground cement skate park.
2. The Board also presented Rita with an appreciation award, acknowledging all of her accomplishments in working cooperatively with the School District and other government entities, receiving statewide recognition for the District’s fiscal practices, and having the vision to plan, anticipate, and prepare for the future. The Board congratulated Rita on her retirement and wished her well in her future endeavors.

President Perez adjourned the regular Board meeting at 7:17 p.m. and invited everybody to stay and enjoy refreshments in honor of Rita’s last official meeting.

C. COMMUNICATIONS FROM THE PUBLIC

1. David McManus expressed his concerns for the high fees being charged at the new Barbara Morse Wackford Community/Aquatic Complex and asked the Board to consider looking at different fee structures for residents versus non-residents.
2. Robert Gray stated as a cyclist, it bothered him that Elk Grove has a series of half-mile long trails that aren’t connected, with no future funding identified to connect the existing trails. He would like to see the District include in their programming priorities a way to connect the trails, in order to meet the needs of active senior adults in the community.

D. CONSENT CALENDAR

1. The Board approved the September 7, 2004 regular Board meeting minutes. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
2. The Board ratified payment of the August 2004 bills and payroll for the EGCSD; and received and filed the August 2004 Budget Status Reports. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
3. The Board approved Resolution No. 2004-114, honoring Rita K. Velasquez for her significant contributions to the Elk Grove community. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
4. The Board approved Resolution No. 2004-115, Rejecting in whole the claim filed by Heather Holland. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
5. The Board approved Resolution No. 2004-116, Rejecting in whole the claim filed by Georgina Thompson. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
6. The Board approved Resolution No. 2004-117, granting a right-of-way to SureWest Televideo for the installation of a remote terminal within the landscape corridor on Bellaterra Drive, north of Poppy Ridge Road. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
7. The Board received and filed the Parks and Recreation Department's Annual Report for Fiscal Year 2003-04. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
8. The Board adopted Resolution No. 2004-118, granting an easement to Sacramento County Water Agency for the installation, construction, reconstruction, maintenance, repair, and operation of potable water pipelines at Atkins Drive – Station 72R; and authorized the General Manager to execute all necessary documents. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
9. The Board approved Resolution No. 2004-119, allowing the District to apply for grant funding through the California Cultural and Historical Endowment Grant Program for the restoration of the Ehrhardt House. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.
10. The Board approved Resolution No. 2004-120, allowing the District to apply for State grant funding for \$270,000 through the Recreational Trails Program (RTP) under the Transportation Equity Act for the 21st Century for the construction of a pedestrian trail around the perimeter of Elk Grove Regional Park. Mulberg-Wright, Derr, Perez – yes; McElroy – absent.
11. The Board awarded a contract to ComTech Communications as the sole installing company for five 88-foot tall radio towers (concrete, tower, and groundwire) for an amount not to exceed \$62,292.50; and award a contract to ComTech Communications on a time and materials basis for associated radio tower and fire station communication wiring to radios and antennas for an amount not to exceed \$54,000 for Stations 72R, 73, and 74, as outlined in the Fiscal Year 2004-05 budget. Wright-Mulberg, Derr, Perez – yes; McElroy – absent.

E. ADVERTISED PUBLIC HEARINGS

- I. None

F. PUBLIC HEARINGS

- I. None

G. STAFF REPORTS

- I. The Board approved the conceptual master plan for the Maritime West Park in Lakeside and to set a public hearing on Tuesday, October 19, 2004, 6:30 p.m. for adoption of the land use and development plan and the environmental documents for the park. Derr-Mulberg, Perez, Wright – yes; McElroy – absent.

H. BOARD OF DIRECTORS BUSINESS

1. Fire Committee – No report due to Director McElroy's absence.
2. Parks and Recreation Committee – Director Wright reported the Committee met two weeks ago to review the Maritime Time park site which was approved by the Board earlier tonight.
3. Budget/Finance/Insurance Committee – Director Mulberg – No report.
4. Policies & Procedures Committee – No report due to Director McElroy's absence.
5. Strategic Planning Committee – Director Derr - No report.
6. Fire Communications Board – Chief Grueneberg stated in addition to normal business, the final budget was adjusted to account for additional fixed asset inventory; a job description change was approved for one employee; and a closed session was held for labor negotiations.
7. Senior Center Board – Director Mulberg reported the Board's annual retreat was held last week to discuss new direction for the Senior Center and consultants have been hired to assist with development of the property purchased by the Senior Center, now zoned for low-income housing.
8. Local Agency Formation Commission (LAFCo) – Director Mulberg stated items discussed included issues with regards to the City of Elk Grove's Incorporation Mitigation Measures including an agreement with Regional Transit and the Swanson Hawk issue.
9. Sacramento County Treasury Oversight Committee - Jeff Ramos – No report.
10. Miscellaneous Report – General Manager Search Ad-Hoc Committee – Director Derr indicated interviews for the General Manager position are scheduled for October 4 & 5.

President Perez returned to Item No. B – Announcements & Presentations.

I. COMMUNICATIONS FROM THE PUBLIC

- I. None

J. IDENTIFICATION OF ITEMS FOR FUTURE MEETING

- I. Director Mulberg indicated based on comments received earlier this evening from members of the public, he would like the Board to discuss out-of district fees for use of CSD Facilities and for staff to report on the existing trail system.

K. ADJOURNMENT TO EXECUTIVE SESSION

I. None

L. EXECUTIVE SESSION

I. None

M. ADJOURNMENT

With no further business, President Perez adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Rita K. Velasquez
Secretary of the Board

STAFF REPORT

DATE: October 5, 2004
TO: Board of Directors
FROM: Jeff Ramos, Administrative Services Director
SUBJECT: REJECTION OF CLAIM



RECOMMENDATION

That the Board of Directors approve Resolution No. 2004-121, Rejecting in Whole the Claim Filed by Lisa Jones.

BACKGROUND/ANALYSIS

A claim was filed by Lisa Jones alleging liability for vehicle damages sustained while inside the parking lot at the softball complex in Elk Grove Park on September 10, 2004.

This claim was forwarded to Special District Risk Management Authority who provides insurance for the District. They have advised us to reject this claim.

The attached Resolution formally rejects the tort claim.

Should you have any questions, please call me *prior* to the meeting.

Respectfully submitted,

Jeff Ramos
Administrative Services Director

Attachment

RESOLUTION NO. 2004-121

RESOLUTION OF THE GOVERNING BOARD OF THE
ELK GROVE COMMUNITY SERVICES DISTRICT

Rejection of Government Claim

WHEREAS, a claim for monetary damages ("Claim") has been presented by Lisa Jones, dated September 15, 2004, against the Elk Grove Community Services District for vehicle damages; and

WHEREAS, California Government Code Section 912.4(a) provides that when a claim is presented to a local public entity, that local public entity has forty-five (45) days to act upon said claim; and

WHEREAS, California Government Code Section 912.6(a)(1) provides that when a claim is made against a local public entity, a Board may reject the claim, if it finds the claim is not a proper charge against the local public entity; and California Government Code Section 912.6(a)(4) provides that when a claim is made against a local public entity, the board may reject the claim if the legal liability of the public entity is disputed; and

WHEREAS, that the Governing Board of the Elk Grove Community Services District has considered the Claim filed by Lisa Jones.

NOW, THEREFORE BE IT RESOLVED that the Governing Board of the Elk Grove Community Services District has concluded that the Claim be rejected in its entirety.

BE IT FURTHER RESOLVED that the District's General Manager, or her designee, is authorized to give notice to Lisa Jones of this Governing Board's decision to reject, in its entirety, the Claim, and further advise that said claimant has six (6) months from the date the rejection is deposited in the mail to file a court action on the claim. Such notice, together with a copy of this Resolution, shall be served upon Lisa Jones on or before October 12, 2004.

PASSED AND ADOPTED this 5th day of October 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Elk Grove Community Services District

Pat Perez, President

ATTEST:

Rita K. Velasquez, Secretary

STAFF REPORT

DATE: October 5, 2004
TO: Board of Directors
FROM: Jeff Ramos, Administrative Services Director
SUBJECT: REJECTION OF CLAIM



RECOMMENDATION

That the Board of Directors approve Resolution No. 2004-122, Rejecting in Whole the Claim Filed by Gina Wood.

BACKGROUND/ANALYSIS

A claim was filed by Gina Wood alleging liability for injuries and damages sustained in a car accident on July 23, 2004.

This claim was forwarded to Special District Risk Management Authority who provides insurance for the District. They have advised us to reject this claim.

The attached Resolution formally rejects the tort claim.

Should you have any questions, please call me *prior* to the meeting.

Respectfully submitted,

Jeff Ramos
Administrative Services Director
Attachment

RESOLUTION NO. 2004-122

RESOLUTION OF THE GOVERNING BOARD OF THE
ELK GROVE COMMUNITY SERVICES DISTRICT

Rejection of Government Claim

WHEREAS, a claim for monetary damages ("Claim") has been presented by Gina Wood, dated August 10, 2004, against the Elk Grove Community Services District for personal injury and damages; and

WHEREAS, pursuant to California Government Code section 912.4 (c), a claim is deemed rejected by operation of law when no official action is taken within 45 days of filing of the claim; and

WHEREAS, California Government Code Section 912.6(a)(1) provides that when a claim is made against a local public entity, a Board may reject the claim, if it finds the claim is not a proper charge against the local public entity; and California Government Code Section 912.6(a)(4) provides that when a claim is made against a local public entity, the board may reject the claim if the legal liability of the public entity is disputed; and

WHEREAS, that the Governing Board of the Elk Grove Community Services District has considered the Claim filed by Gina Wood.

NOW, THEREFORE BE IT RESOLVED that the Governing Board of the Elk Grove Community Services District has concluded that the Claim be rejected in its entirety.

BE IT FURTHER RESOLVED that the District's General Manager, or her designee, is authorized to give notice to Gina Wood, through her attorney of record, Mr. John W. Beebe, of this Governing Board's decision to reject, in its entirety, the Claim, and further advise that said claimant has six (6) months from the date the rejection is deposited in the mail to file a court action on the claim. Such notice, together with a copy of this Resolution, shall be served upon attorney for Gina Wood on or before October 12, 2004.

PASSED AND ADOPTED this 5th day of October 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Elk Grove Community Services District

Pat Perez, President

ATTEST:

Rita K. Velasquez, Secretary

STAFF REPORT

DATE: October 5, 2004
TO: Board of Directors
FROM: Rita K. Velasquez, General Manager



SUBJECT: ASSIGNMENT TO THE NORTHERN CALIFORNIA SPECIAL DISTRICTS INSURANCE AUTHORITY BOARD

RECOMMENDATION:

That the Board approves the assignment of Jeff Ramos to the Northern California Special Districts Insurance Authority Board and Sharon O'Donnell's assignment to serve as Alternate.

BACKGROUND/ANALYSIS:

As a result of my impending retirement, it is necessary to assign Jeff Ramos to the Northern California Special Districts Insurance Authority Board to replace myself. Jeff has been the alternate on this Board since 2003. It is also necessary to assign Sharon O'Donnell as Alternate to the Workers' Compensation Board to attend the meetings should a conflict in schedule arise for Jeff.

Please contact me prior to the Board Meeting with any questions you may have.

Respectfully Submitted,

Rita K. Velasquez
General Manager

STAFF REPORT

DATE: October 5, 2004
TO: Board of Directors
FROM: Jeff Ramos, Administrative Services Director
**SUBJECT: DECLARE BORROW PIT PROPERTY SURPLUS LAND
AND AUTHORIZE THE SALE OF SUCH PROPERTY**



RECOMMENDATION

That the Board of Directors declare the Borrow Pit property, parcel numbers 125-0060-004, 125-0060-008 and 125-0060-013, surplus land and authorize the General Manager to offer the property for sale.

BACKGROUND/ANALYSIS

After much analysis of the Borrow Pit property, staff has determined that this site is not suitable for development as a park site and is recommending that the Board declare the property surplus land and authorize the General Manager to offer the property for sale. Government Code Section 61611 provides that a CSD may “hold, use, enjoy, lease or *dispose of* any of its property.” Section 61301 provides that “the powers of the District enumerated in this division shall, except as therein otherwise provided, be exercised by the Board.” In addition, Board of Directors Policy No. 21 states that the Board of Directors, following the recommendation of the General Manager, shall authorize all dispositions or exchanges of assets.

Upon approval tonight, the District will begin the process of disposing of the property.

Should you have any questions, please contact me prior to the meeting.

Respectfully submitted,

Jeff Ramos
Administrative Services Director